

1  
2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 Takwan Unique Douglas,

7 Plaintiff,

8 v.

9 Paloma M. Guerrero,

10 Defendant.

Case No. 2:24-cv-02061-JAD-DJA

Report and Recommendation

11 On November 6, 2024, the Court noted that Plaintiff had filed documents with the Court  
12 but had failed to pay the filing fee or submit an application to proceed without paying the filing  
13 fee. (ECF No. 3). The Court also noted that Plaintiff appeared to have filed his documents in the  
14 wrong place. (*Id.*). The Court thus gave Plaintiff until December 6, 2024, to file a notice of  
15 voluntary dismissal or to pay the filing fee or apply to proceed without paying the filing fee.  
16 (*Id.*). The Court informed Plaintiff that if Plaintiff did not file a notice, pay the filing fee, or apply  
17 to proceed without paying the filing fee on or before December 6, 2024, the Court would  
18 recommend dismissal of the action. (*Id.*). Plaintiff has missed this deadline and, to date, Plaintiff  
19 has not filed anything further on the docket. Accordingly, the Court recommends dismissal of  
20 this case without prejudice. A dismissal without prejudice allows Plaintiff to refile a case with  
21 the Court, under a new case number.

22  
23 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
24 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

25  
26 NOTICE

27 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
28 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The

1 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
2 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
3 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to  
4 file objections within the specified time and (2) failure to properly address and brief the  
5 objectionable issues waives the right to appeal the District Court's order and/or appeal factual  
6 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991);  
7 *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

8  
9 DATED: January 27, 2025

  
\_\_\_\_\_  
DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE